

**TOWN COUNCIL
REGULAR MEETING
NOVEMBER 18, 1998**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:05 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Interim Town Administrator Rawls, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. PRESENTATIONS

3.1 Pine Island Bay Beautification Project-Appreciation Award to Boy Scout Troop #128

On behalf of the Pine Island Bay community, Mayor Venis presented a plaque to Boy Scout Troop #128. He explained that the community had received a grant for landscaping and the Boy Scouts helped plant the landscaping.

Ms. McDaniel advised that the Troop would be providing a special holiday for 250 needy families in the Town and invited Council to participate

3.2 Friends of Davie Parks and Recreation, Lisa Edmonson

Ms. Edmonson advised that the committee had not finalized its report.

An unidentified woman thanked Council and staff for its help with the Davie Girls Softball. She presented Sharon Pierce-Kent, Community Services Director, with an award for her support.

3.3 Ed Dilts and Vinnie Muller, Davie Firefighters

Fire Chief Michael Donati explained that Firefighters Dilts and Muller had helped fight the brush fires in northern Florida. He presented a Certificate of Recognition from Volusia County to Firefighter Muller. Firefighter Dilts was unable to be present and would be rescheduled for the next Council meeting.

3.4 Sheridan Glen Homeowners Association

An unidentified woman thanked Mayor Venis and Mr. Rawls for their dedication and hard work in their community. She stated that with their efforts, the community was able to beautify the area.

3.5 Amy Windham, Secretary - Ten Years

Ms. Windham was not present.

3.6 Community Redevelopment Agency

Tom Gill, Agency member, updated Council on the Agency's efforts. He advised that Broward County was considering revamping the powers that different Agency's had and the Town's Agency was concerned as future funds had been committed. Mr. Gill added that the agency was requesting that Council stand behind its Community Redevelopment Agency.

3.7 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Annual Holiday Craft Show (November 21st - 22nd); Concert in the Park (November 22nd); and Lighting of the Green (December 15th) with local schools decorating a holiday Menorah or tree.

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: soccer team placement; girls softball and youth baseball registration (December 14th - January 29th); adults and seniors holiday pot luck party (December 11th); winter holiday camp (December 21st - 31st); and opening of restrooms of Town parks pilot project (beginning November 23rd for two months).

Ms. Pierce-Kent advised that the pre-submission grant submitted for the eastside community garden at Eastside Community Hall had received the next "go-ahead" for funding consideration.

Ms. Pierce-Kent stated that she had attended the West Broward YMCA banquet and had been presented with a Red Triangle Award in appreciation for the Town's efforts in providing YMCA programs in the community.

3.8 Fire Rescue Update

Chief Donati advised that since coming on-line, training had consisted of 16 hours of basic trauma life support training. He added that the Town's training officer was providing mass casualty incident training and rescue unit training for the remaining paramedics began on November 17th. Chief Donati stated that an EMS Committee meeting would be held on November 24th. He indicated that ten conditional offers had been given to candidates with nine being accepted and explained the status.

Chief Donati said that he was optimistic that 14 firefighter/paramedics would begin work on January 4, 1999. He thanked the Personnel Division and the Police Department for the efforts and hard work on this hiring process.

4. OCCUPATIONAL LICENSES

Home Occupational Licenses

4.1 Zanecraft, 14840 SW 21 Street

Sharon Zane, the applicant, was present. She confirmed that the request was for mail and phone use only. Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

4.2 Bamboo Friends, 14701 SW 18 Court

Erik Sampson, the applicant, was present and explained his business. He confirmed that the request was for mail and indicated that he had received a building permit for a workshop in his background.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

4.3 Call "Mr. Basset", 2790 SW 140 Terrace

Aubrey Wells, the applicant, was present and explained his business. He confirmed that the request was for mail and phone use only.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

4.4 Florida New Code Hurricane Shutters, Inc., 1311 Bristol Avenue

An individual, representing the applicant, was present. He confirmed that the request was for mail and phone use only.

Councilmember Paul made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

4.5 Twice as Nice, 14400 SW 23 Street

Troy O'Dell, the applicant, was present. He confirmed that the request was for mail and phone use only and indicated that there would be no equipment on site.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

4.6 F.V. Wilburn Jewelers Inc., 3100 SW 116 Avenue

The applicant was not present.

Seasonal Sales (Christmas Trees) - Waiver of Fees

4.7 Boy Scout Troop 118, 2920 SW 46 Court (location: SW 61 Avenue and Stirling Road; November 28 to December 24, 1998)

Donna Glendenning, the applicant, was present.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to waive the fees. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

4.8 Broward County Farm Bureau, 5660 Griffin Road (location: 5660 Griffin Road; November 28 to December 24, 1998)

Marlene Wanusau, representing the applicant, was present.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to waive the fees. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

4.9 EASE Foundation, Inc., 6500 Nova Drive (location: 4850 South State Road 7; November 28 to December 25, 1998)

Linda Owen, the applicant, was present.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to waive the fees. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

4.10 Nova High School Band, 10181 SW 40 Street (location: 3399 South University Drive; November 28 to December 24, 1998)

Charles Guarino, the applicant, was present.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to waive the fees. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

4.11 St. Bernadette, 7450 Stirling Road (location: 7450 Stirling Road; November 28 to December 24, 1998)

This item was approved later in the meeting.

Dean Alexander presented Vice-Mayor Cox with a picture taken in Valdosta, Georgia showing "Cathy Cox, Secretary of State."

Mayor Venis announced that items 7.8 and 8.3 needed to be tabled to December 1, 1998.

Councilmember Paul made a motion, seconded by Councilmember Bush, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 8.5, 8.6, 8.7, 8.8, and 8.9 needed to be tabled to December 16, 1998.

Councilmember Paul made a motion, seconded by Councilmember Bush, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 8.10, 8.12, and 8.13, needed to be tabled to February 3, 1999.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 8.11 needed to be tabled to December 16, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 9.1 needed to be tabled to December 1, 1998.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

5. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER WEINER

STUDENTS. Councilmember Weiner stated that a mock Council meeting had been held prior to this meeting with students from Indian Ridge Middle School acting as Council which was a true treat.

WATER. Councilmember Weiner stated that he had been hearing concerns regarding the quality, color and pressure of the water from the City of Sunrise which needed to be addressed. He advised that he would like to discuss the water issue "down the road."

EMS. Councilmember Weiner thanked Chief Donati for the update on EMS and the training schedule and hiring. He stated that he wanted to make sure there was enough staff on board as of December 1st with the offers that were pending so that the first class could begin.

HAPPY BIRTHDAY. Councilmember Weiner wished his younger daughter, Bethany, a happy birthday.

VICE-MAYOR COX

PARADE. Vice-Mayor Cox stated that the South Florida Trailriders Jingle Bell Parade was scheduled for December 13th and explained the route.

DAVIE. Vice-Mayor Cox appreciated Mr. Alexander's photograph, but indicated that there was no place like Davie. She observed that the Town was on the television news twice this week and the Town was becoming a large, diverse community.

STUDENTS. Vice-Mayor Cox discussed the events that had happened with the students from Indian Ridge Middle School. She stated that it was an interesting experience and she was pleased to have participated in the program.

COUNCILMEMBER PAUL

STUDENTS. Councilmember Paul stated that she had a great day with the students from Indian Ridge Middle School and she was glad the Town was involved with the program.

RECRUITMENT. Councilmember Paul stated that she had received concerns on the procedure for the hiring of the Police Chief and indicated that a recruitment program was in effect.

RECOGNITION PROGRAM. Councilmember Paul stated that she liked being involved with recognizing people for random acts of kindness. She questioned if Council would be interested in this type of program. Councilmember Paul discussed a man stopping his vehicle to move a turtle from the middle of the road. She asked that the cost on verifying vehicle license plates be calculated.

LUNCHEON. Councilmember Paul stated that a Thanksgiving luncheon sponsored by the Town's senior citizens was held.

CRAFT FAIR. Councilmember Paul stated that there was a holiday craft fair being held at Flamingo Elementary School on November 21st.

TURN SIGNAL. Councilmember Paul stated that the left turn signal at Indian Ridge Middle School had been installed.

COUNCILMEMBER BUSH

STUDENTS. Councilmember Bush discussed his day with the students from Indian Ridge Middle School.

HAPPY BIRTHDAY. Councilmember Bush wished his daughter, Sara, a happy birthday.

MAYOR VENIS

THANKSGIVING. Mayor Venis wished everyone a happy Thanksgiving.

STUDENTS. Mayor Venis discussed his day with the students at Indian Ridge Middle School.

METROPOLITAN PLANNING ORGANIZATION. Mayor Venis advised that the Governor's Office had approved the Town's request for a seat on the Metropolitan Planning Organization. He stated that an interlocal

agreement with Broward County would need to be entered into.

SOCCER NIGHT. Mayor Venis stated that on November 29th, the Broward Arena Thundercats soccer team would be hosting a Town of Davie Night with a portion of ticket sales going to the EASE Foundation.

LUNCHEON. Mayor Venis stated that he had attended the Thanksgiving luncheon sponsored by the Town's senior citizens and thanked them for everything they did.

MEETING. Mayor Venis stated that he and Mr. Rawls had met with the Waverly homeowners which was a constructive meeting.

ORANGE DRIVE. Mayor Venis indicated that more reflectors were needed on the barricades on Orange Drive and a left turn lane was needed from Davie Road onto Orange Drive. Vice-Mayor Cox recommended that the Bergeron Rodeo entrance be used which would cause less traffic congestion.

6. TOWN ADMINISTRATOR'S COMMENTS

PARKS BOND PROGRAM. Mr. Rawls stated that the Town was moving forward with the parks bond program and he and Ms. Pierce-Kent were working on developing a construction management program to deliver the projects on time.

JOINT POWERS AGREEMENT. Mr. Rawls stated that the Town was also moving forward with developing a local joint powers agreement which would allow the Town to take advantage of some partnerships with Broward County.

OAKES ROAD. Mr. Rawls stated that the Town had previously received a \$1.2 million grant for upgrading Oakes Road and construction had recently begun.

CHARTER SCHOOLS. Mr. Rawls stated that a report would be provided to Council regarding Charter Schools.

STUDENTS. Mr. Rawls discussed his day with the students at Indian Ridge Middle School.

THANKSGIVING. Mr. Rawls stated that the Town had developed a tradition in serving those in need with a Thanksgiving dinner at Davie Ale House. Interim Chief Robert McDaniel explained that the Davie Ale House and the COP Program help serve Thanksgiving dinner to a number of needy families that had been identified by the Town's Police Officers. He indicated that this program would be continued this year and the staff at Davie Ale House had been most gracious. Chief McDaniel stated that individuals who were interested in volunteering, or who needed help, could contact Officer Robert LaBelle.

7. CONSENT AGENDA

Proclamation

7.1 Native American Heritage Month (November 1998)

7.2 World Aids Day (December 1, 1998)

Parade Permit

7.3 South Florida Trailriders of Broward County-Jingle Bell Parade (December 13, 1998)

Resolutions

7.4 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-98-354 THE FLORIDA SHERIFF'S ASSOCIATION FORMAL BID AND PIGGBYBACKING THIS BID TO PURCHASE TEN POLICE PURSUIT VEHICLES FROM DUVAL FORD, OF JACKSONVILLE, FLORIDA, FOR THE EXPANSION OF THE COMMUNITY POLICING PROGRAM. (\$225,170)**

7.5 **WAIVING/ACCEPTING BID - A RESOLUTION OF THE TOWN OF DAVIE, R-98-355 FLORIDA, WAIVING FORMAL BIDDING AND ACCEPTING THE BID FROM GULF ASSOCIATES CONTROL, INC. AS A SOLE SOURCE SUPPLIER FOR REPLACEMENT OF THE HEATING AND COOLING PUMP SYSTEM AT PINE ISLAND POOL. (\$14,010)**

7.6 **FUNDING APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-356 FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR FUNDING FOR THE 1999/2000 CULTURAL CONNECTIONS YOUNG AT ART PROGRAM ADMINISTERED BY THE BROWARD CULTURAL AFFAIRS COUNCIL, COMMUNITY ARTS & EDUCATION PROGRAM IN THE AMOUNT OF**

\$20,000.00. (50% cash match)

7.7 GRANT AWARD - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-357 AUTHORIZING THE ACCEPTANCE OF THE AWARD FOR FUNDING UNDER THE EMERGENCY MANAGEMENT, PREPAREDNESS, AND ASSISTANCE GRANT PROGRAM, BY THE DEPARTMENT OF COMMUNITY AFFAIRS. (\$50,000 award; no local match requirements)

7.8 RENTAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RENTAL AGREEMENT WITH SWIMAMERICA, INC. FROM DECEMBER, 1998 TO SEPTEMBER, 1999 FOR 1,109 HOURS OF LANE RENTAL AT THE PINE ISLAND COMMUNITY CENTER POOL. (rental fee - \$11,460)

7.9 RENTAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-98-358 FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RENTAL AGREEMENT WITH PEAK PERFORMANCE SWIM CAMP FROM DECEMBER 11, 1998 TO DECEMBER 23, 1998 FROM 8:00 A.M. TO 10:30 A.M. AND FROM 4:00 P.M. TO 6:30 P.M. AT THE PINE ISLAND COMMUNITY CENTER POOL. (rental fee - \$2,145)

7.10 MEDICAL/DENTAL INSURANCE - A RESOLUTION OF THE TOWN OF R-98-359 DAVIE, FLORIDA, APPROVING THE RANKINGS FOR GROUP HEALTH AND DENTAL INSURANCE AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT WITH THE HIGHEST RANKING FIRM. (Prudential)

7.11 LIFE INSURANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-360 APPROVING THE RANKINGS FOR LIFE INSURANCE AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE HIGHEST RANKING FIRM. (Standard Insurance Co)

7.12 OPEN SPACE BOND INTEREST RATE - A RESOLUTION OF THE TOWN R-98-361 COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION NO. R-89-331, AS AMENDED BY RESOLUTION R-93-289 AND RESOLUTION R-95-395, TO LOWER THE INTEREST RATE ON THE BONDS ISSUED PURSUANT THERETO; AND PROVIDING AN EFFECTIVE DATE.

7.13 FLEXIBLE SPENDING ACCOUNTS - A RESOLUTION OF THE TOWN OF R-98-362 DAVIE, FLORIDA, APPROVING THE RANKINGS FOR FLEXIBLE SPENDING ACCOUNTS AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE HIGHEST RANKING FIRM. (Sykes Health Plan Services, Inc.)

7.14 EXECUTIVE RECRUITMENT SERVICES - A RESOLUTION OF THE TOWN R-98-362 OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE MERCER GROUP TO PERFORM EXECUTIVE RECRUITMENT SERVICES.

7.15 INTENT TO ISSUE TAX-EXEMPT BONDS - A RESOLUTION OF THE TOWN R-98-363 OF DAVIE, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF VARIOUS CAPITAL PROJECTS AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF. (\$1,900,000)

7.16 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-98-364 THE BID FOR THREE (3) EMS VEHICLES, NASSAU COUNTY BID AWARDED ON JULY 16, 1998. (Wheeled Coach Industries, Inc. - \$234,606)

7.17 DISASTER RELIEF FUNDING - A RESOLUTION OF THE TOWN OF DAVIE, R-98365 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DISASTER RELIEF FUNDING

AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS

Ordinance - First Reading (Public Hearing to be held December 1, 1998)

7.18 PENSION PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION 82-107, AS AMENDED, REPEALING THE CURRENT RESOLUTIONS AND ENACTING A NEW ORDINANCE FOR THE FIREFIGHTERS PENSION PLAN AND TRUST FUND; PROVIDING FOR CONTINUATION OF THE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Mayor Venis asked that item 7.15 be removed from the Consent Agenda. Councilmember Weiner asked that items 7.11, 7.16 and 7.18 be removed. Councilmember Paul asked that 7.1 be removed.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve the Consent Agenda without items 7.1, 7.11, 7.15, 7.16, and 7.18.

Town Clerk Reinfeld read the ordinance-first reading by title only.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.1 Councilmember Paul asked that the proclamation be read in its entirety which was provided by Mr. Rawls. Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.11 Councilmember Weiner asked that in the future, the bidder information be included in the backup. Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.15 Christopher Wallace, Director of Budget and Finance, explained the resolution which provided intent for tax purposes and indicated that the debt service had been included in the 1998-99 budget. Councilmember Weiner questioned if the Town was limited to the items listed in the backup. Mr. Webber responded negatively. Councilmember Weiner indicated that he would like to see four EMS transports as opposed to three units in case the Town decided that there was no benefit to "going with" the County. Mayor Venis questioned if modifications could be made to the list. Mr. Wallace responded affirmatively, however, the items listed had been funded. Councilmember Weiner clarified that he wanted to know if the Town was limiting itself even though the resolution was only an intent. Mr. Wallace responded negatively. Councilmember Paul questioned if the listed items were in the original budget with Mr. Wallace responding affirmatively. He indicated that the list showed how the items were to be financed.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.16 Councilmember Weiner questioned if the vendor could be tied down to providing an option on a fourth unit. Herb Hyman, Procurement Manager, responded in the affirmative. Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.18 Councilmember Weiner advised that a three year term had been negotiated and he was concerned that experienced employees would be lost unless the term was extended to five years. He questioned if Council was interested in amending the contract to provide for the additional two years. Vice-Mayor Cox stated that this issue should be discussed during the collective bargaining period, however, she did not have a problem discussing this matter. She added that this agreement had been suggested by the Fire

Union.

Mayor Venis stated that it would be an exception for those employees with 22 or 23 years if five years was allowed. He stated that if five years was not allowed, senior management would be penalized. Mayor Venis indicated that this would be a cost savings to the Town and he would not be opposed to the amendment.

Councilmember Bush commented that he was concerned with the last paragraph of the letter the Town's labor counsel, John Gronda, as the letter indicated that there may be a problem with amending the ordinance. He added that the ordinance may have to be withdrawn as the amendment was a material change to the contract.

Councilmember Weiner questioned if the amendment could be ratified between the first and second reading. Mr. Webber advised that Mr. Gronda had provided an opinion and he would have to rely on this opinion.

Councilmember Bush questioned if the ordinance could be postponed instead of withdrawn. Mr. Webber responded affirmatively and indicated

Councilmember Weiner stated that prior to his becoming a Councilmember, he was the attorney who helped negotiate the contract for the firefighters. He indicated that he, nor did his firm, no longer represented the firefighters nor did he stand to gain any pecuniary benefit. Councilmember Weiner questioned if he would be precluded from moving or voting on this issue with Mr. Webber responding in the negative.

Councilmember Paul questioned if a postponement would affect the effective date of the plan. She wanted to be assured that the effective date was still June 1998. Mr. Rawls responded that he believed the date would remain the same. Councilmember Paul questioned if Council voted on amending the term to five years, "it wouldn't hold up." Mr. Webber replied that if the ordinance was to be amended, it was safest to renote the change to the content of the ordinance and to have first and second reading of the ordinance. He thought this would delay implementation by one Council meeting.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to postpone this item to the next meeting and to incorporate the change from a three to five year term, giving the full five year term to all participants who elect to drop. A discussion followed on the terms, conditions and benefits of the plan.

Councilmember Weiner clarified that his motion was to amend the ordinance to giving the full five year period to all participants in the pension plan so that they could elect a five year period subject to the town's labor counsel advising whether this could be ratified between this meeting and the next reading of the ordinance. After further clarification on the terms and conditions, Councilmember Paul amended her second. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Bush stated that he would like to reconsider item 11.5 from the last Council meeting, SE 8-2-98, as there were more facts that Council should be aware of.

Councilmember Bush made a motion, seconded by Councilmember Paul, to reconsider. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-1)

Robert Hochberg advised that Vito Pellerito had an exclusive license from Home Depot to obtain a municipal license to operate a hot dog cart. He stated that Home Depot had determined that it needed to recapture the floor space which had been allocated to the hot dog cart operation. Mr. Hochberg indicated that if Council did not find a basis on which the cart operation could continue at the exterior of the store, Mary Pellerito was out of business and her source of livelihood was gone.

Mr. Hochberg stated that when the request was discussed at the Planning and Zoning Board meeting, a number of inquiries were made on the wellbeing and propriety of the Town being protected. He indicated that the Planning and Zoning Board had recommended approval of the special permit. Mr. Hochberg advised that the request was an ancillary retail food operation which was offered as an amenity to customers of Home Depot.

Mr. Webber stated that this matter had previously been discussed at a quasi judicial proceeding and if Council wanted to reopen the quasi judicial hearing based on Mr. Hochberg's arguments, he recommended that this issue be placed on the agenda for a subsequent Council meeting. He stated that the quasi judicial hearing would be reopened at that time and anyone who wished to speak at the hearing would receive notice. Mayor Venis questioned if notices would be provided with Mr. Webber responding in the affirmative.

Councilmember Bush made a motion, seconded by Councilmember Paul, so moved. In a roll call vote, the vote

was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-1)

8. PUBLIC HEARINGS

Ordinances - Second and Final Reading

8.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-45 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RO AND A-1 TO CF; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-98, Orshefsky/Mark-Age, Inc., 5451 SW 64 Avenue) (tabled from November 4, 1998)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Debbie Orshefsky, representing the petitioner, was present and explained the declaration of restrictions.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.2 COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE 98-46 TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LABC 98-3B, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL (5 DU/AC)" TO "EMPLOYMENT CENTER, SPECIAL CLASSIFICATION," AND AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT TO ESTABLISH AN EMPLOYMENT CENTER SPECIAL CLASSIFICATION WITH SUPPORTING POLICY IMPLEMENTATION LANGUAGE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (southeast corner of Flamingo Road and State Road 84)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul indicated that she had heard that the amendment had not been passed at the County level.

Jeff Katims, Planner, stated that the Broward County Commission had deferred the application to a later date; however, under the State Growth Management Act, the Town was entitled to adopt the amendment or withdraw it as there was a time limit. He explained the process.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

4.11 Kevin Hermida, representing the applicant, was present.

Councilmember Bush made a motion, seconded by Councilmember Paul, to waive the fees. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Quasi Judicial Items

8.3 VACATION/ABANDONMENT - VA 9-1-98, Poinciana Homes of Broward, Inc., State Road 84 and SW 136 Avenue (to vacate a 10 foot utility easement located on Tract A of the West Park - West Parcel Plat) (tabled from November 4, 1998) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

8.4 REZONING - ZB 9-2-98, Leigh Robinson Kerr & Associates, Inc./Burgess, 3550 Weston Road (from AG to BP) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone would be speaking in opposition with no one being heard. Gayle

Easterling, Planning and Zoning Manager, advised that her application was on file with the Town's Personnel Division and her education, experience and professional certification qualified her as an expert witness. She summarized the planning report.

Bonnie Miskel, representing the petitioner, concurred with staff and the recommendations. She added that the request was consistent with goals and policies of the Town's land use plan.

Councilmember Paul asked Ms. Miskel if she knew what use the petitioner had planned for the property. Ms. Miskel advised that there were no development plans nor was there a contract purchaser. Councilmember Paul asked for an explanation on the asterisked items which were conditionally permitted subject to detailed use regulations with Ms. Easterling explained that the asterisked items indicated that additionally information may be applied to a specific use.

Councilmember Weiner stated that one of the asterisked items dealt with educational (adult) and questioned if the petitioner would be willing to restrict the use so that educational (adult) would not be built on the site. Ms. Miskel responded in the affirmative.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke. Mr. Webber stated that the hearing was concluded.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve with the restriction that the petitioner agreed to. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Wiener - yes. (Motion carried 5-0)

8.5 VARIANCE - V 10-4-98, Catalyst Developer Services, Inc./Commercial Property Network, Inc., I-595 and Nob Hill Road (B-3) (to reduce the required lot depth from 250 feet to 137.8 feet; to reduce the required landscaped buffer from 10 feet to 5 feet along the east boundary; to reduce the required double parking median width from 10 feet to 0) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

This item was tabled earlier in the meeting.

Items to be tabled

8.6 STAFF REQUESTING A TABLING TO DECEMBER 16, 1998 AS COUNCIL TABLED FIRST READING TO DECEMBER 1, 1998

Ordinance - Second and Final Reading

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB(TXT)-7-5-98 CREATING THE "RESIDENTIAL HIGH DENSITY DWELLING (RM-22) DISTRICT" BY AMENDING THE CODE OF DAVIE, FLORIDA, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-21 ENTITLED, "ZONING DISTRICTS"; SECTION 12-24 ENTITLED "STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS"; SECTION 12-32 ENTITLED, "TABLE OF PERMITTED USES"; SECTION 12-53 ENTITLED, RESIDENTIAL PERFORMANCE STANDARDS"; SECTION 12-81 ENTITLED, RESIDENTIAL, NEIGHBORHOOD CONSERVATION AND MOBILE HOME STANDARDS, TABLE 12-81C. CONVENTIONAL MULTIFAMILY DEVELOPMENT STANDARDS"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from October 21, 1998)

This item was tabled earlier in the meeting.

8.7 STAFF REQUESTING A TABLING TO DECEMBER 16, 1998 AS COUNCIL TABLED FIRST READING TO DECEMBER 1, 1998

Ordinance - Second and Final Reading

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY AMENDING SECTION 12-40, ENTITLED "NON-CONFORMING USES OF BUILDINGS, STRUCTURES AND PREMISES" BY ADDING THERETO SUBSECTION 12-40(6); PROVIDING FOR RECONSTRUCTION IN CERTAIN CASES OF NON-CONFORMING STRUCTURES OF NO LESS THAN 20,000 FEET IN SIZE; PROVIDING CONDITIONS FOR RECONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

8.8 STAFF REQUESTING A TABLING TO DECEMBER 1, 1998 AS COUNCIL TABLED FIRST

READING TO NOVEMBER 18, 1998

Ordinance - Second and Final Reading

VACATING UTILITY EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF UTILITY EASEMENT LOCATED WITHIN TRACT "A" OF THE WEST PARK - WEST PARCEL PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 9-1-98, 14450 State Road)

This item was tabled earlier in the meeting.

8.9 PLANNING AND ZONING BOARD TABLED TO DECEMBER 9, 1998; COUNCIL CAN TABLE TO DECEMBER 16, 1998

VACATION/ABANDONMENT - VA 7-1-98, Pasadena at Imagination Farms, Inc., 13601 Orange Drive

This item was tabled earlier in the meeting.

8.10 PLANNING AND ZONING BOARD TABLED TO JANUARY 13, 1999; STAFF REQUESTING A TABLING TO FEBRUARY 3, 1999

REZONING - ZB 3-1-98, Bugbee, 4710 SW 72 Avenue (tabled from September 16, 1998)

This item was tabled earlier in the meeting.

8.11 PLANNING AND ZONING BOARD TABLED TO DECEMBER 9, 1998; COUNCIL CAN TABLE TO DECEMBER 16, 1998

REZONING - ZB 7-4-98, Conquistador Apartments, 7400 Stirling Road (tabled from October 21, 1998)

This item was tabled earlier in the meeting.

8.12 PLANNING AND ZONING BOARD TABLED TO JANUARY 13, 1999; STAFF REQUESTING A TABLING TO FEBRUARY 3, 1999

VARIANCE - V 3-2-98, Bugbee, 4710 SW 72 Avenue (tabled from September 16, 1998)

This item was tabled earlier in the meeting.

8.13 PLANNING AND ZONING BOARD TABLED TO JANUARY 13, 1999; STAFF REQUESTING A TABLING TO FEBRUARY 3, 1999

VARIANCE - V 5-3-98, Felicella, P.E./Viele, 6900 Griffin Road (tabled from September 16, 1998)

This item was tabled earlier in the meeting.

9. ORDINANCES - FIRST READING (*Public Hearing to be held on December 1, 1998*)

9.1 **VACATING UTILITY EASEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF UTILITY EASEMENT LOCATED WITHIN TRACT "A" OF THE WEST PARK - WEST PARCEL PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 9-1-98, 14450 State Road) (tabled from November 4, 1998)

This item was tabled earlier in the meeting.

9.2 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO BP; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-2-98, 3550 Weston Road)
Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing on this item would be held on December 1, 1998.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve . In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Wiener - yes. (Motion carried 5-0)

10. SITE PLANS

10.1 SP 6-2-98, Hacienda Cove, northeast quadrant State Road 7 and State Road 84 (RM-16) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval*

Bonnie Miskel, representing the petitioner, were present. Ms. Easterling read the planning report.

Ms. Miskel explained the site plan and amenities.

Concerning the single access entry, Councilmember Weiner asked if concerns regarding police and fire had been addressed. Mike Foley, Sun Tech Engineering, responded that the petitioner had met with the Fire Department and all the radii were 50 foot for the fire truck.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve subject to the planning report. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

11. APPOINTMENTS

11.1 Unsafe Structures Board (one non-exclusive appointment; appointment shall be an electrical contractor; term expires April 1999)

This appointment was deferred to the next meeting.

12. OLD BUSINESS

There was no old business discussed.

13. NEW BUSINESS

There was no new business discussed.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 9:38 p.m.

